IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 23869 of 2007(N)

PETITIONER:

B.SULAIMAN, S/O.BAVA, AGED 58 YEARS,
MANAGER, A.S.M.L.P. SCHOOL, PURAKKAD,
ALAPPUZHA (RESIDING AT M.M.MANZIL,
P.O.PURAKKAD, AMBALAPPUZHA - 690 551,
ALAPPUZHA DISTRICT).

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, TRIVANDRUM - 14.

3. THE DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA.

4. THE DISTRICT EDUCATIONAL OFFICER,
ALAPPUZHA.

5. THE ASSISTANT EDUCATIONAL OFFICER,
AMBALAPPUZHA, ALAPPUZHA DISTRICT.

6. SRI.MOHAMMED ASHRAF,
LOWER PRIMARY SCHOOL ASSISTANT,
A.S.M.L.P. SCHOOL, PURAKKAD,
ALAPPUZHA DISTRICT.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 23869 of 2007

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Dated this the 6th day of August, 2007.

J U D G M E N T

The grievance of the petitioner who is stated to be the Manager of an aided Lower Primary School is that the appointments given by him to respondent No.6 for three short durations of leave vacancies are not being approved without any valid or justifiable reasons. He has a further grievance that the subsequent appointment with effect from June 1, 2005 is also not being approved.

2. It appears that respondent No.6 was initially appointed against a leave vacancy with effect from June 15, 2004 till August 17, 2004. Thereafter he was again appointed with effect from August 18, 2004 to January 1, 2005 and from January 4, 2005 to March 31, 2005. Respondent No.6 was again appointed against a regular vacancy with effect from June 1, 2005. All the above appointments were refused to be approved by the lower authorities. Ext.P7 is the order passed by the Director of Public Instruction in this regard. Learned counsel submits that petitioner has preferred Ext.P9 revision petition against the order of the Director. The limited prayer is to issue a direction to respondent No.1 to consider Ext.P9 revision petition without any delay.

3. In view of the limited prayer, I do not propose to deal with any of the contentions raised by the petitioner. It is made clear that it is open to respondent No.1 to take a decision in the matter strictly on its merit and in accordance with law. This shall be done as

expeditiously as possible, at any rate within 4 months from the date of receipt of a copy of this judgment. Needless to mention that petitioner and respondent No.6 shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. While taking a decision in the matter, respondent No.1 shall keep in view Exts.P4 and P8 judgments of this court.

4. Writ Petition is disposed of in the above terms.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer
Judge.

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